

In The Matter Of:

Bruce White, etc. v.

CRST, Inc.

Bruce D. White

May 25, 2012

Videotaped Deposition

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO - EASTERN DIVISION
BRUCE WHITE, etc.,
Plaintiff,
-vs- JUDGE JAMES S. GWIN
CASE NO. 1:11-CV-02615
CRST, INC.,
Defendant.

- - - - -

Videotaped deposition of BRUCE D. WHITE,
taken as if upon cross-examination before Dawn M.
Fade, a Registered Merit Reporter and Notary
Public within and for the State of Ohio, at the
offices of Benesch, Friedlander, Coplan &
Aronoff, LLP, 200 Public Square, Suite 2300,
Cleveland, Ohio, at 9:08 a.m. on Friday,
May 25, 2012, pursuant to notice and/or
stipulations of counsel, on behalf of the
Defendant in this cause.

- - - - -

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2

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18 On behalf of the Defendant.

19 ALSO PRESENT:

20 Raymond Andrews, Jr., CLVS, Videographer
21
22
23
24
25

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1 THE VIDEOGRAPHER: We're going on
2 the record. The time is 9:08 a.m. Today
3 is Friday, May 25th, 2012. We're at the
4 offices of Benesch, Friedlander, Coplan &
5 Aronoff to take the deposition of Bruce
6 White, the case titled Bruce White, on
7 Behalf of Himself and All Others Similarly
8 Situated, versus CRST, Inc., in the U.S.
9 District Court, Northern District of Ohio,
10 Eastern Division, Case Number
11 1:11-CV-02615.

12 My name is Randy Andrews, CLVS,
13 from the firm of Mehler & Hagestrom located
14 in Cleveland, Ohio. The court reporter
15 today is Dawn Fade also from the same firm.

16 Will counsel present please
17 identify themselves for the record.

18 MR. GILMAN: Jeremy Gilman and
19 David Krueger for the Defendant, CRST, Inc.

20 MR. DOOLEY: Matt Dooley for the
21 Plaintiff, Bruce White.

22 THE VIDEOGRAPHER: Will the court
23 reporter please swear in the witness.

24

25

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1 BRUCE D. WHITE, of lawful age, called by the
2 Defendant for the purpose of cross-examination,
3 as provided by the Rules of Civil Procedure,
4 being by me first duly sworn, as hereinafter
5 certified, deposed and said as follows:

6 CROSS-EXAMINATION OF BRUCE D. WHITE
7 BY MR. GILMAN:

8 Q. Good morning, Mr. White.

9 A. Good morning.

10 Q. As you've heard before, my name is Jeremy Gilman.
11 I'm with Benesch. My colleague Dave Krueger,
12 also with Benesch. We represent the defendant in
13 this action, CRST, Inc.

14 Please state your full name for the record.

15 A. Bruce Dewayne White.

16 Q. And your current residential address?

17 A. 320 South Garnett Road, Tulsa, Oklahoma.

18 Q. Okay. And you are the plaintiff in this pending
19 action against CRST, Inc., correct?

20 A. Yes, I am.

21 Q. Now, during the course of this deposition if I
22 use the term CRST generally will you understand
23 that I'm referring to the defendant in this
24 action, CRST, Inc.?

25 A. Yes.

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1 Q. Have you ever been deposed before?

2 A. No.

3 Q. Have you ever been a party to a lawsuit before?

4 A. Yes.

5 Q. What lawsuit have you been a party to?

6 A. Workmen's comp.

7 Q. A workers' comp claim?

8 A. Yes.

9 Q. Any other cases?

10 A. No.

11 Q. Where was the workers' comp claim pending?

12 A. Tulsa, Oklahoma.

13 Q. And against whom did you assert that claim?

14 A. It was a glass company I worked for.

15 Q. Okay. Let me just give you a couple of basic
16 ground rules regarding depositions, but before I
17 do that, you are represented by counsel here
18 today, correct?

19 A. Yes, I am.

20 Q. And your counsel is present with you in this room
21 today?

22 A. Yes, sir. Yes, he is.

23 Q. And that's Matt Dooley?

24 A. Yes, sir.

25 Q. Okay. I'm going to be asking you questions, your

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1 answers to those questions will constitute
2 testimony given under oath. If a question that I
3 ask you appears unclear to you let me know that
4 and I'll do my very best to rephrase the question
5 in a way that will hopefully clarify for you, is
6 that understood?

7 A. Yes, it is.

8 Q. If you would like during the course of this
9 deposition, which I frankly don't imagine will be
10 that long, to take a break let me know or let
11 your counsel know and your counsel will advise me
12 and we'll absolutely accommodate you subject to
13 one minor condition and that is if a question is
14 pending conclude your answer to the question.

15 A. Okay.

16 Q. Is that acceptable?

17 A. That's fine.

18 Q. Okay.

19 A. So what I just, break, say I got to go to the
20 bathroom or something?

21 Q. Absolutely. Or if you'd like to simply say you'd
22 like to take a break, however you'd like to
23 phrase it would be acceptable.

24 A. Okay.

25 Q. By the way, have you ever lived at 1627 East 2nd

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9

1 Street in Tulsa?

2 A. 1627, yes.

3 Q. Okay.

4 A. Uh-huh.

5 Q. If you would, one other ground rule, please
6 articulate your answers fully as opposed to
7 sometimes occasionally symbolizing your answers,
8 let's say, with a uh-uh or an uh-huh.

9 A. Yes. Okay.

10 Q. That way the record will be as clear as possible
11 and will reflect your actual testimony.

12 A. Yes.

13 Q. And if you would also, I know you're miked up,
14 but for the benefit of all present if you could
15 just amplify your voice to the greatest extent
16 comfortable for you.

17 A. Okay.

18 Q. That would be great.

19 A. Okay.

20 - - - -

21 (Thereupon, Defendant's Exhibit 1, First
22 Amended Class Action Complaint, was marked
23 for purposes of identification.)

24 - - - -

25 Q. Let me hand you what's been marked for

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1 identification as Plaintiff's or as Exhibit 1 to
2 this deposition.

3 A. Yeah.

4 Q. Would you look at that, please, and let me know
5 when you've completed your review of that
6 document.

7 A. Okay.

8 Q. Okay. You have reviewed Exhibit 1, correct?

9 A. Yes.

10 Q. And can you identify that document?

11 A. Yes. It's me, the plaintiff, on the behalf of
12 myself, a class action complaint against, alleged
13 against CRST.

14 Q. Is that a document you've seen before?

15 A. Yes.

16 Q. Did you read it before it was filed?

17 A. I looked over it.

18 Q. Do the allegations in that complaint in fact
19 coincide with your belief as to what is true?

20 A. Yes, sir.

21 Q. Okay. You never worked for CRST, correct?

22 A. No, sir.

23 Q. You're not familiar with their processes and
24 policies for recruiting driver applicants, for
25 recruiting truck drivers, is that correct?

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1 A. Well, I know that they con -- well, the school
2 that I went, worked -- I mean went to,
3 Roadmaster, they sent out applications to all the
4 trucking companies and then the trucking
5 companies would have their representative get
6 back with the applicant.

7 Q. Okay. Is that the full extent of what you know
8 about CRST's policies and procedures for
9 recruiting and hiring a truck driver applicant?

10 A. Yes.

11 Q. Truck drivers?

12 A. Uh-huh.

13 Q. Okay. Let me ask you this question, if I may,
14 your date of birth is [REDACTED], correct?

15 A. Yes.

16 Q. And your social security number is [REDACTED],
17 is that correct?

18 A. Yes.

19 Q. Have you ever spoken with anyone at CRST?

20 A. I spoke with, I think her name was -- oh, I can't
21 think of her name. It was a female lady, when
22 recruiting.

23 Q. Is that the extent of your recollection of any
24 communication you've had with CRST or its
25 personnel?

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1 A. Yes, sir.

2 Q. Okay. You don't remember anything else about
3 that?

4 A. Well, she explained to me, you know, what the
5 situation is going up to the class and stuff, you
6 know, and everything and that's basically it.

7 Q. That's it?

8 A. Uh-huh.

9 Q. You don't remember anything else about those
10 communications?

11 A. No.

12 Q. Let me ask this question, if I may, have you
13 spoken with any other or otherwise communicated
14 with any other individuals who had applied for
15 truck driver positions at CRST?

16 A. No.

17 Q. Never have?

18 A. No.

19 Q. Do you know the experiences of any other
20 individuals who at any time have ever applied for
21 truck driver positions at CRST?

22 A. No.

23 Q. Have you ever been a member of a class action?

24 A. No.

25 Q. What were the circumstances, if I may, and let me

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1 preface it by saying this -- well, strike that
2 for a moment.

3 Do you have an email address?

4 A. Yes, I do.

5 Q. And your email address is what, please?

6 A. Whitebruce38@gmail.com.

7 Q. How long have you maintained that email address?

8 A. About, probably about maybe three years, three to
9 four years.

10 Q. Did you have that email address at or around the
11 time that you had applied for a truck driver
12 position at CRST?

13 A. No.

14 Q. Did you have any email address at the time?

15 A. Whitebruce@yahoo.com.

16 Q. Okay. That was an email address you maintained
17 from when till when?

18 A. I really don't remember how long I had that email
19 address 'cuz I got a different phone and in order
20 to get that phone you have to change your email
21 address and I was working at the time for Wiltran
22 Trucking.

23 Q. Uh-huh.

24 A. Okay.

25 Q. Do you have any email communication of any kind

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1 with anyone relating to CRST?

2 A. No.

3 Q. And you gave me before your complete and full
4 recitation of your recollection of any
5 communication you've ever had with anyone at
6 CRST, correct?

7 MR. DOOLEY: Objection. You can
8 answer that.

9 Q. Do you understand the question?

10 A. Yeah. Like I said, you know, in the recruiting
11 process the recruiter from CRST might have got in
12 contact with the recruiter at Roadmaster, okay,
13 and then I was talking between the recruiter at
14 Roadmaster and they was going back and letting
15 them know what was going on with, you know,
16 certain issues and situations and what I was
17 going through.

18 But basically a one-on-one conversation with
19 someone, maybe been on the phone, okay.

20 Q. Okay. Is that the complete answer to your
21 question?

22 A. Yes.

23 Q. And you did understand the question I asked, is
24 that correct?

25 A. Yes.

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15

1 Q. Let me ask this question, if I may, would you
2 refer to your Exhibit 1, please.

3 A. Uh-huh.

4 MR. GILMAN: Off the record one
5 second.

6 THE VIDEOGRAPHER: Off the record
7 at 9:19.

8 - - - -

9 (Thereupon, a discussion was had off the
10 record.)

11 - - - -

12 MR. GILMAN: Back on the record,
13 please.

14 THE VIDEOGRAPHER: On the record
15 at 9:20 a.m.

16 Q. I'll ask you a question about that in just a
17 moment, but in the meantime, if I may, let me ask
18 you to identify this document.

19 A. Okay.

20 - - - -

21 (Thereupon, Defendant's Exhibit 2, Plaintiff
22 Bruce White Responses to CRST's First Set of
23 Interrogatories, was marked for purposes of
24 identification.)

25 - - - -

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1 Q. Handing you what's been marked for identification
2 as Exhibit 2, if you'd be kind enough to look at
3 that and identify it I would appreciate it.

4 A. Yes, I remember the document.

5 Q. Okay. Mr. White, please go to the very last page
6 of that document and that page --

7 MR. GILMAN: I'm sorry, did I give
8 you a copy of that, Dave?

9 MR. KRUEGER: Yes.

10 Q. The heading on that document is Verification, is
11 that correct?

12 A. Yes.

13 Q. Is this a true and correct copy of your
14 signature?

15 A. Yes.

16 Q. And you had this notarized in Jefferson County,
17 Colorado?

18 A. Yes, I had, did.

19 Q. On April 26th, 2012?

20 A. Yes.

21 Q. Now, if you'd be kind enough to go to page 4 of
22 this document. All right? You see what is
23 called here Interrogatory Number 7? It appears
24 toward the lower half of the page. Do you see
25 that, sir?

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1 A. Yes, I do.

2 Q. Okay. Please read that.

3 A. Okay.

4 Q. And I just want to ask you a few questions about
5 that.

6 A. Okay. Identify --

7 Q. Oh, you don't have to read it out loud.

8 A. Oh.

9 Q. You can read it to yourself. But thank you.

10 A. Okay.

11 Q. All right. Did you see these answers before they
12 were in fact served in this case?

13 A. The response?

14 Q. Yes. You saw the response?

15 A. Yeah. Mr. White, yeah. Uh-huh. I did, I think
16 I gave a response.

17 Q. Pardon me, sir?

18 A. I believe I -- yeah, these was the questions that
19 you sent to me at my house? Okay. Yeah.

20 Q. Your counsel might have.

21 A. Okay.

22 Q. Now, in paragraph 7, one of the responses that
23 you gave in paragraph 7 of this interrogatory is
24 you identified Lisa Benson White of 320 South
25 Garnett, Tulsa, Oklahoma 74128.

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1 A. Yes, sir.

2 Q. That is your wife?

3 A. Yes, sir.

4 Q. And how long has Mrs. White been married to you,
5 please?

6 A. Been a long time.

7 MR. DOOLEY: Glad she's not here
8 to see you pause in response to that.

9 A. Yeah.

10 Q. Well, first of all, I'm glad to hear that and I
11 can understand that you might not have the exact
12 date.

13 A. Yeah, I have problems remembering my anniversary,
14 yeah, she'll be pretty upset.

15 Q. Okay. To your knowledge, Mrs. White has never
16 had direct communications with anyone at CRST, is
17 that right?

18 A. Only through me, what she, what I had told her,
19 you know.

20 Q. Does Mrs. White have any knowledge about any of
21 the allegations or assertions in this action
22 other than what you might have told her?

23 A. No. Just what I told her.

24 Q. You identify here in this answer Brooke Willey,
25 do you see that?

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19

1 A. Brooke Willey?

2 Q. Yes, sir. It's among the answers you gave to
3 Interrogatory Number 7.

4 MR. DOOLEY: Middle of the page,
5 Bruce.

6 Q. Do you see that, by chance?

7 A. I haven't found it yet.

8 MR. GILMAN: Matt, would you be
9 able to point that out?

10 MR. DOOLEY: It's on the next
11 page, Bruce.

12 A. Oh, okay.

13 MR. DOOLEY: He didn't tell you to
14 turn it over.

15 A. Okay.

16 MR. DOOLEY: There you go.

17 A. Oh, okay. Yeah, I see it.

18 Q. Okay. And you see some names thereafter,
19 correct?

20 A. Yes. Ron Corbett, yeah, Brandi Northway.

21 Q. Have you ever communicated with Brooke Willey?

22 A. No.

23 Q. Is this a name you've ever heard of before this
24 deposition today?

25 A. That's the first time I ever heard of Brooke

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20

1 Willey.

2 Q. Okay. So the answer is that's correct, you have
3 never heard of the name Brooke Willey before
4 today?

5 A. That's right. That's correct. No.

6 Q. What about Ron Corbett, the name that appears
7 afterwards, have you ever heard that name before
8 today?

9 A. No, sir.

10 Q. Have you ever communicated with Mr. Corbett?

11 A. No.

12 Q. And Brandi Northway, have you ever communicated
13 with Brandi Northway?

14 A. Yes, sir.

15 Q. And you previously identified in answers to other
16 questions I asked you in this deposition --

17 A. Yeah, she was the lady I spoke with at CRST.

18 Q. Okay.

19 A. Brandi Northway, that's the lady I couldn't
20 remember her name.

21 Q. Got it.

22 A. Okay.

23 Q. Right. And you previously identified the
24 totality of the communications you had with
25 Mrs. Norway --

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21

1 A. Yes.

2 Q. Northway.

3 A. Yes.

4 Q. Northway, I'm sorry.

5 And Josh Birr on the next page, please, have
6 you ever heard of that name before today?

7 A. No, sir.

8 Q. And I take it then you've never had any
9 communications with Josh Birr, is that right?

10 A. Yes, sir, I never had a communication with him.

11 Q. Okay. Let's go back to Exhibit 1, if we may.
12 Could you go to page 4 of that, please. Do you
13 see page 4?

14 A. Yes, sir.

15 Q. Okay. And you see the document, I'm sorry, the
16 heading Class Action Allegations?

17 A. Yes, sir.

18 Q. And look at paragraph 18 of the complaint, if you
19 would, the first amended complaint, which is
20 Exhibit 1, do you see that?

21 A. Yes, sir.

22 Q. Would you read that to yourself and let me know
23 when you've done, when you're done.

24 A. Okay. I'm through.

25 Q. You've read that?

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1 A. Yes.

2 Q. Tell me all the facts that you contend support
3 that allegation in paragraph 18 of the first
4 amended complaint.

5 MR. DOOLEY: Objection. You can
6 answer, Bruce.

7 A. Okay. Well, after CRST received the background
8 report and they knew the information was in it
9 and everything they didn't let me know that I
10 could get a copy of it freely after they knew
11 that, you know, all the information was in the
12 background report and then, also, they didn't let
13 me contest to the information in the background
14 report, that's what I feel that this paragraph is
15 telling me.

16 Q. Is that the sum total of your response to the
17 question I asked about the facts you have
18 supporting paragraph 18 of the complaint?

19 MR. DOOLEY: Objection. Go ahead,
20 Bruce.

21 A. Yes, sir.

22 Q. Okay.

23

- - - -

24 (Thereupon, Defendant's Exhibit 3, Plaintiff
25 Bruce White Responses to CRST's First Request

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23

1 for Production of Documents, was marked for
2 purposes of identification.)

3 - - - -

4 Q. Let me hand you what's been marked for
5 identification as Exhibit 3. Handing you what's
6 been marked for identification as Exhibit 3, can
7 you identify that document?

8 A. Okay.

9 Q. Do you recognize that document, Mr. White?

10 A. Yes.

11 Q. And is this a true and correct copy of your
12 responses to CRST's first request for production
13 of documents as served upon your counsel in this
14 action?

15 A. Yes.

16 Q. Did you produce all documents in your possession,
17 custody and control responsive to this document
18 production request?

19 A. Yes.

20 Q. Did you withhold from production any documents?

21 A. No.

22 Q. Now, according to my understanding, and I don't
23 know if you remember this or not, but your
24 counsel produced to us 19 pages of documents in
25 response to our document production request, does

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1 that generally coincide with your recollection as
2 to how many documents you made available to your
3 counsel in response to these document production
4 requests or did you make available more documents
5 than that?

6 A. Well, I made available whatever I had containing
7 to my case so I really don't know the exact
8 number of documents that I gave my counsel, but
9 whatever I had.

10 Q. Was it a large volume of documents?

11 A. Like I say, I just, I couldn't remember how many
12 pages I gave him. I just, everything that I had
13 at home on record about the case, I mean,
14 trucking company I forwarded it to my attorney.

15 Q. Okay. You were asked to fill out an application
16 for employment at or -- strike that.

17 You filled out an application for employment
18 as a truck driver at CRST, correct?

19 A. Yes, sir.

20 Q. Did you read the application before filling it
21 out?

22 MR. DOOLEY: Jeremy, just to
23 clarify, you said he filled out an
24 application for employment at CRST, you
25 didn't mean physically at CRST, you mean an

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1 application for a job with CRST, correct?

2 MR. GILMAN: Thank you very much.

3 I'll rephrase the question.

4 Q. You completed, filled out an application to be
5 employed as a truck driver by CRST?

6 A. Yes, I did.

7 Q. Is that correct?

8 MR. GILMAN: Did that satisfy you?

9 MR. DOOLEY: Thank you.

10 MR. GILMAN: Thank you.

11 Q. Did you read that application?

12 A. I read over it, about basically, you know,
13 putting jobs, your previous jobs and educational,
14 you know, schooling that you had, yeah, I read
15 over it.

16 Q. Okay. And were you satisfied that you had filled
17 out that application completely?

18 A. Yes, sir.

19 Q. Were you satisfied that you had filled out that
20 application accurately?

21 A. Yes, sir.

22 Q. Did you conceal or withhold any information in
23 that application from CRST?

24 A. No, sir.

25 Q. In the course of your career -- and if you don't

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1 mind my asking, you are approximately 42 years
2 old?

3 A. Yes, sir.

4 Q. You have filled out a number of applications for
5 employment, correct?

6 A. Yes, sir.

7 Q. You've read various applications for employment?

8 A. Yes, sir.

9 Q. In the course of applying for employment in the
10 past have you ever been, have you ever received a
11 criminal background report about yourself?

12 MR. DOOLEY: Objection.

13 A. They, they give you the piece of paper says,
14 stating that, you know, you put everything, if
15 you have a criminal background or not and, yes, I
16 seen them, the form, and I filled it out, I have,
17 you know, something, issues in my background
18 which I normally try to give the truth.

19 Q. Which issues in your background, sir?

20 A. Just the issue in 1992 where the background
21 company had the wrong information about my, my
22 incident.

23 Q. You said you've filled out applications in the
24 past and have received in the past criminal
25 background reports?

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1 A. Yeah, it basically asks you if you had any, got
2 in any trouble, you know, background report.

3 Q. Do you have copies of any of those applications
4 that you filled out from prior employers?

5 A. No.

6 Q. Do you have copies of any of the criminal
7 background reports that you received prior to the
8 time you applied for a truck driver position at
9 CRST?

10 A. No, they didn't give me a background report.

11 Q. Okay. So you had never received a background
12 report from any prior employers from whom you
13 were seeking truck driver employment?

14 A. Annett Holdings, okay.

15 Q. Could you spell that, please?

16 A. Annett Holdings. Honestly, I'm not a good
17 speller.

18 Q. That's okay. Where are they based?

19 A. Des Moines, Iowa, I believe.

20 Q. And you applied for a truck driver position
21 there?

22 A. It's, it's -- I don't think it's under the Annett
23 Holdings, I think it's under another name.

24 Q. Okay. Tell me about your experience with Annett
25 Holdings.

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1 A. Okay. Well, they just gave me a form, a
2 background check of what I was charged with in
3 1992.

4 Q. Uh-huh.

5 A. Okay. And it had on there shooting with intent
6 to kill, a felony, and that was it, okay, which
7 that was the wrong background report. And then
8 on the hard copy, the records downtown in Tulsa
9 it said shooting with intent to kill, felony
10 reckless use of a firearm reduced to a
11 misdemeanor. Okay.

12 Q. So Annett Holdings provided you with a background
13 report in the past?

14 A. Yes.

15 Q. Did you -- strike that.

16 Who issued that background report, if you
17 know?

18 A. I don't know. I just know that's where I got
19 that background report from.

20 Q. Did you take steps to correct the background
21 report?

22 A. Yes, I did.

23 Q. Who did you take steps with?

24 A. Well, it was HireRight, I had to call them and
25 let them know that what they had on the

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1 background report was incorrect and I had to go
2 downtown and get the hard copy and take it back
3 to my truck driving school, which in turn faxed
4 the information over to HireRight and let them
5 know that the information they had on my
6 background report was not correct. So they end
7 up, you know, retracting what they put in the
8 background report.

9 Q. Were you hired by Annett Holdings?

10 A. No.

11 Q. Do you know why you weren't hired by Annett
12 Holdings?

13 A. No, I do not.

14 Q. Approximately what year was this?

15 A. Around 19 -- 2009.

16 Q. 2009?

17 A. Yes.

18 Q. Was it before or after your application for
19 employment at CRST?

20 A. It was before.

21 Q. Before?

22 A. Yes.

23 Q. Do you have any documents at all in your
24 possession relating to your experience with
25 Annett Holdings?

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1 A. No.

2 MR. DOOLEY: If I may, I don't
3 want to interrupt the deposition, but there
4 were some documents produced by Mr. White
5 in response to the request regarding that
6 so you should have those in front of you.

7 MR. GILMAN: Do you have the Bates
8 numbers for those?

9 MR. DOOLEY: White 2. I'm looking
10 at it.

11 MR. GILMAN: White 2. Let me see.

12 MR. DOOLEY: Would you like my
13 copy?

14 MR. GILMAN: Can I just see.
15 Let's go off the record for one moment.

16 THE VIDEOGRAPHER: Off the record
17 at 9:38.

18 - - - -
19 (Off the record.)

20 - - - -
21 THE VIDEOGRAPHER: On the record
22 at 9:40 a.m.

23 Q. All right. We were talking before about your
24 application at CRST, correct?

25 A. Yes, sir.

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1 - - - -

2 (Thereupon, Defendant's Exhibit 6, Bruce
3 Dewayne White Application to CRST, was marked
4 for purposes of identification.)

5 - - - -

6 Q. Let me hand you what has been marked for
7 identification as Exhibit 6 to this deposition.

8 A. Okay.

9 Q. Handing you what's been marked for identification
10 as Exhibit 6 to your deposition, do you recognize
11 this document?

12 A. Yes, sir.

13 Q. Can you identify it, please?

14 A. It's an application to CRST.

15 Q. Whose handwriting is this, please?

16 A. This is my handwriting.

17 Q. Your handwriting appears on the, on all pages of
18 this application on which handwriting appears?

19 A. No, sir.

20 Q. Whose handwriting also appears on this?

21 A. My job placement counselor that was at
22 Roadmaster.

23 Q. Okay. What did you write and what did your job
24 placement counselor write on this application?

25 A. Okay. Page 1, that's my handwriting.

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1 Q. All right.

2 A. Page 3, that's my handwriting.

3 MR. DOOLEY: And just for the
4 record, he's referencing the page numbers
5 it looks like at the top of the fax, when
6 you say page 3 it is page 2, but it is
7 noted page 3 at the top.

8 MR. GILMAN: Okay.

9 A. And page 4 the top portion with the N/A is my
10 handwriting, the, it says question N, Have you
11 ever been -- no, I mean, not that. I'm sorry.
12 Where was that.

13 If answer to any question is yes, detail
14 circumstances, and date, that right there was
15 written by my placement, job coordinator, I mean,
16 counselor at Roadmaster.

17 Q. Okay. Well, let me interrupt you just for a
18 moment, to make sure I'm clear.

19 A. Uh-huh.

20 Q. Where it says here Driving Record N/A and N/A,
21 who wrote the N/A?

22 A. I wrote the N/A.

23 Q. And underneath that where there are various boxes
24 that are checked, who inserted those check marks?

25 A. I did.

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1 Q. Okay. And there is, there are two lines
2 underneath those checks, If answer to any
3 question is yes, state details, circumstances,
4 and date, and then there's two lines of
5 handwritten text, who wrote them?

6 A. That was my job placement coordinator at
7 Roadmaster.

8 Q. And -- I'm sorry. And do you remember his or her
9 name?

10 A. I believe her name was Jean Wallace.

11 Q. Jane Wallace?

12 A. Jean.

13 Q. Jean?

14 A. Yes.

15 Q. Is Jean a male or a female?

16 A. Female.

17 Q. And where was Roadmaster located?

18 A. Tulsa, Oklahoma.

19 Q. And where did Ms. Wallace receive the information
20 to include in these two lines here?

21 A. Now, I gave her the information about the 1992
22 shooting, but she also had information from my
23 background report.

24 Q. Okay. Roadmaster had obtained a background
25 report on you?

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1 A. Yes.

2 Q. Were you aware of that?

3 A. When she let me know what was on, in my
4 background report.

5 Q. Okay. Did she show you a copy of that background
6 report?

7 A. I believe she did, yes.

8 Q. Was that a HireRight background report?

9 A. Yes, sir.

10 Q. And she told you she was getting a background
11 report for you?

12 A. I don't think she told me, I just think she
13 automatically done it.

14 Q. Okay.

15 A. Because she was, reason why she done it, because
16 I was having a hard time with finding employment.

17 Q. Why were you having a hard time finding
18 employment, if you know?

19 A. Huh?

20 Q. I'm sorry. Why were you having a hard time
21 finding employment, if you know?

22 A. No, I didn't know what reason why I wasn't
23 getting hired, I just knew it was I wasn't
24 getting hired for some reason. And so she pulled
25 up my background report and seen the 1992

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1 discharging of a firearm felony that was on the
2 HireRight background report which was incorrect.

3 Q. Do you recall when she -- strike that.

4 Did you interact with her in person?

5 A. Yes. Yes. In the office.

6 Q. In the office of Roadmaster?

7 A. Yes, sir.

8 Q. Do you remember the date?

9 A. The date that I talked to her?

10 Q. Yes, sir.

11 A. Yeah, it was around, I believe it was August
12 2009.

13 Q. Was it only one day in which you had that
14 conversation with her, where you communicated
15 with her?

16 A. One day when we talked about my background
17 report?

18 Q. Yes, sir.

19 A. Well, it's probably been more than one day
20 because I was like trying to get it disputed and
21 everything and she gave me the numbers to
22 HireRight and told me to call them and I had to
23 do some foot work and go get the hard copy and
24 bring it back to her and she had to fax the
25 information over to HireRight for them to retract

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1 their information that they had on my background
2 report.

3 Q. Okay. So this is before you had applied to CRST,
4 correct?

5 A. Yes, I believe so.

6 Q. And you had received a copy of your background
7 report from HireRight and you contend that it
8 contained erroneous information about your
9 criminal conviction?

10 A. Yes.

11 Q. And the information that background report
12 contained which you believed was erroneous was
13 that it had indicated you had been convicted of a
14 felony relating to the discharge of a firearm?

15 A. Yes.

16 Q. When in fact it was pled down to a misdemeanor?

17 A. Yes.

18 Q. And did you contact HireRight after that time
19 relating to that background report?

20 A. Yes, I did.

21 Q. Did you contact HireRight prior to applying to
22 CRST?

23 A. No.

24 Q. But you were shown the background report before
25 you applied to CRST, correct?

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1 A. Yes.

2 Q. Okay. Let me make sure I understand the
3 chronology. Approximately when were you shown
4 the background report obtained by HireRight?

5 A. It was August 2009.

6 Q. Okay. And when did you apply for a truck driver
7 position at CRST?

8 A. Probably September.

9 Q. So would you say there was about a month between
10 the time you were shown the background report by
11 Roadmaster and the time you applied for
12 employment at CRST?

13 A. I believe there was, yes.

14 Q. So for at least a month before you applied to
15 CRST you knew that the background report was
16 erroneous?

17 A. It was incorrect, yes.

18 Q. Did you do anything in that intervening month to
19 try to correct that background report?

20 A. Okay. Like I said, I called HireRight and let
21 them know that the background report has some
22 false information in it, okay, incorrect, then I
23 had to go downtown and get the hard copy.

24 Q. Uh-huh.

25 A. Okay. Bring it back to my truck driving school

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1 and give it to my job placement counselor which
2 in turn I believe she faxed the information over
3 to HireRight, okay, and then after me, I guess,
4 assuming that they had corrected it I got the
5 pre-hire from CRST.

6 Q. Let me make sure I understand this sequence, if I
7 can. You said before that you received the
8 background report from Roadmaster that Roadmaster
9 had obtained from HireRight in August of 2009, is
10 that correct, sir?

11 A. Yes.

12 Q. And about a month elapsed between that time and
13 the time you applied for employment at CRST, to
14 your recollection?

15 A. Yes.

16 Q. In that intervening month, in other words, during
17 that month period or so --

18 A. Okay.

19 Q. -- did you take steps during that time to correct
20 the background report?

21 MR. DOOLEY: Objection. Asked and
22 answered. Go ahead, Bruce.

23 A. Okay.

24 MR. GILMAN: I just want to make
25 sure I understand the sequence.

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1 A. All right. That's what I done, like I said,
2 after I found out what they had in the background
3 report was incorrect I went and called the
4 lady -- see, I had the number from Roadmaster,
5 she gave me the number to HireRight, okay, so I
6 end up calling the lady in HireRight and then
7 letting her know that the information that they
8 had in the background report was wrong, so I had
9 to go downtown and get the hard copy, okay, go on
10 down there and got the hard copy, brought it back
11 to Roadmaster and she faxed it over to the lady
12 at HireRight and then so I'm thinking they had,
13 you know, retracted their information and I got a
14 pre-hire letter from CRST.

15 Q. Okay. And I heard that testimony and thank you
16 for that. My specific question is whether you
17 engaged in that activity, the activity that you
18 just --

19 A. Yes. Yes.

20 Q. -- whether you engaged in it before you applied
21 for employment to CRST?

22 A. Oh, getting the information?

23 Q. Yes. Because as I understand your testimony, you
24 learned of the, what you contended to be the
25 erroneous criminal report in August and about a

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1 month later you applied for employment at CRST
2 and I'm wondering if during that month before you
3 applied for employment at CRST --

4 A. Okay. Well --

5 Q. Let me finish the question, if I may. -- within
6 that month prior to the time you filled out your
7 CRST application you had taken steps to correct
8 what you considered to be the erroneous criminal
9 background report?

10 A. Yes.

11 MR. DOOLEY: Bruce, do you
12 understand the question?

13 A. Yes.

14 MR. DOOLEY: Okay. Good.

15 A. Yeah.

16 Q. It was before you applied for CRST, to CRST?

17 A. Yes. Yes. I mean, I mean, yes.

18 Q. Do you remember or do you not have a specific
19 recollection?

20 A. Well, like I said, after I went through the
21 process of getting all my information like the
22 hard copy from downtown and brought it back to my
23 job placement counselor I got award or a pre-hire
24 from CRST, so --

25 MR. DOOLEY: That's an indirect

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1 answer to your question I understand,
2 but --

3 MR. GILMAN: No, that's all right.

4 Q. Is that a complete answer to the question?

5 A. Yes.

6 Q. Let's go back to Exhibit 6, if we may.

7 A. Okay.

8 Q. Did you talk to anyone at or communicate with
9 anyone through any medium, phone, fax, email,
10 letter, in person, at HireRight regarding any of
11 the background reports obtained relating to you?

12 A. Yes.

13 Q. Who did you talk to and when, or communicate
14 with?

15 A. Who did I talk to?

16 Q. Well, who did you communicate with and when?

17 A. Oh. I have her name in my phone, can I -- I got
18 her name, I put the number down that I contacted
19 her with in my phone, I kept it for a record. I
20 don't know her name, but I have it in my phone.

21 Q. That's fine.

22 A. Okay.

23 MR. DOOLEY: Can we go off the
24 record for a second?

25 MR. GILMAN: Uh-huh.

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1 THE VIDEOGRAPHER: Off the record
2 at 9:52.

3 - - - -

4 (Thereupon, a discussion was had off the
5 record.)

6 - - - -

7 MR. GILMAN: Let's go back on.

8 THE VIDEOGRAPHER: On the record
9 at 9:54.

10 Q. Would you just, let's -- we're back on the
11 record. What's the name of the individual at
12 HireRight?

13 A. Her name was Amber.

14 Q. Do you have a last name for her?

15 A. No.

16 Q. Do you have a phone number for her?

17 A. Yes, I do.

18 Q. What is that, please?

19 A. It's (918) 664-9991.

20 Q. Do you have a notation as to when you
21 communicated with her?

22 A. I have her extension too, extension 2223.

23 Q. And do you have any information in your phone or
24 elsewhere as to when you communicated with Amber
25 at HireRight?

1 A. No.

2 Q. Okay. Would you be kind enough to turn off the
3 phone?

4 A. Yes, I am.

5 Q. Thank you. Let's go back to the application
6 which is Exhibit 6.

7 A. Okay.

8 Q. And the fax indicates here that, okay, we're on
9 page 04 of this fax, which is the third page,
10 correct?

11 A. Yes.

12 Q. All right. So we were discussing before the
13 check marks are your check marks, you wrote
14 those, correct?

15 A. Yes.

16 Q. The information appearing below the check marks
17 which says, quote, "1992 discharged a firearm,
18 shot up in the air Misd and fine only," that was
19 written by Amber or, no, I'm sorry, that was
20 written by -- strike that -- that was written by
21 Roadmaster?

22 A. Yes.

23 Q. Do you remember who at Roadmaster wrote that?

24 A. Her name, Jean Wallace.

25 Q. Jean Wallace, thank you. And did she write this

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1 in your presence?

2 A. Yes.

3 Q. And that's based on information that you gave her
4 at that time?

5 A. Yes.

6 Q. Now, there's educational background thereafter,
7 do you see that?

8 A. Yes.

9 Q. Who checked those boxes?

10 A. I did.

11 Q. And who wrote the educational history?

12 A. Me.

13 Q. On page 05 of this document who signed this
14 document and dated it and filled in the other
15 handwritten information on it?

16 A. I did.

17 Q. All right. And let's go to page 06. Do you see
18 page 06?

19 A. Yes, sir.

20 Q. Who filled out those check marks?

21 A. I did.

22 Q. And you see the section that says Agreement on
23 page 06?

24 A. Yes, sir.

25 Q. Who dated and signed that page?

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1 A. I did.

2 Q. So from that I can assume then that you read this
3 document completely, correct?

4 A. Yeah. Yeah. I scanned over it, yes.

5 Q. You were given a full opportunity to read it
6 before signing it, correct?

7 A. Yes.

8 Q. And let's go to page 07 of this document.

9 A. Uh-huh.

10 Q. Whose handwriting appears on this page?

11 A. Mine.

12 Q. And, again, you read the Disclosure and Release
13 before signing and dating this document, correct?

14 A. Yes.

15 Q. And you were given a full and a complete
16 opportunity to read that before signing this
17 document and submitting this application to CRST,
18 correct?

19 A. Yes.

20 Q. Now, you're not seeking any actual damages in
21 this lawsuit, is that correct?

22 A. Am I seeking -- the only thing I want is it not
23 to happen to anyone else, you know.

24 Q. That's all you're seeking in this lawsuit?

25 MR. DOOLEY: Objection. Go ahead,

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1 Bruce.

2 A. Okay. Well, honestly, you know, I don't want it
3 to happen to anyone else and go through, you
4 know, the things that I had to go through, like
5 not being able to get a job just because of false
6 background reports, you know, being taken all
7 the way to Oklahoma City, going through
8 orientation and all of a sudden told, you know,
9 you're not, you're not going to be able to get
10 the job when you know in fact you had every, all
11 the information handed out to you, wasn't nothing
12 trying to be, you know, held back from you, yeah.

13 Q. But as you testified before, you do not know and
14 have no information about the individual
15 experience of any other CRST truck driver
16 applicant, is that correct?

17 MR. DOOLEY: Objection. Go ahead,
18 Bruce.

19 Q. Is that correct?

20 A. Yeah.

21 Q. Now, you said before that you have been or have
22 had experiences where you were unable to obtain
23 employment with other potential employers as a
24 truck driver because of your criminal background
25 check?

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1 A. I believe that probably was maybe one of the
2 issues.

3 Q. With whom?

4 A. Well, TMC, Annett Holdings, Stevens, we have
5 Werner. There's many more, I just don't
6 recollect all the names of the trucking companies
7 that I applied for.

8 Q. And were you rejected from possible employment by
9 many trucking companies?

10 A. Yes, sir.

11 Q. Did you receive criminal background reports with
12 respect to those particular applications?

13 A. I mean, I guess they followed the same
14 procedures, but I never did get a background
15 report from them either.

16 Q. You went through the list, TMC, do you know what
17 that stands for, by chance?

18 A. No.

19 Q. Any other trucking companies you can think of?

20 A. Yeah. Stevens, Werner, Covenant, Prime. So, I
21 mean, yes.

22 Q. Are you employed now?

23 A. Yes, I am.

24 Q. With whom are you employed?

25 A. Waste Control Management, Waste Control.

1 Q. Are you employed in a truck driving capacity?

2 A. Yes, I drive a dump trash truck.

3 Q. If I may, I don't want to inquire about
4 communications you've had with your counsel, by
5 which I mean Matt and any of Matt's colleagues,
6 but I would like to know the circumstances by
7 which you located Matt's firm or perhaps they
8 located you prior to your engaging them to be
9 your counsel.

10 MR. DOOLEY: Objection.

11 Q. Can you tell me that?

12 A. How did I find out about Matt then?

13 Q. Yes.

14 A. Through the HireRight class action suit.

15 Q. Is that the Ryals versus HireRight case?

16 A. I believe it is.

17 Q. How did you know about that case, the Ryals case?

18 A. How did I know?

19 Q. Yes, sir.

20 A. Well, because I was a victim in the process of
21 them having the wrong background information.

22 Q. Okay. So the Ryals versus HireRight case was a
23 case that was pending in federal court in
24 Virginia, if I recall correctly, right?

25 A. I don't know what court it was in, I just know I

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1 got a letter in the mail showing, you know,
2 saying that I might have been a victim in the
3 HireRight, and which I was, and I just responded
4 to the letter and sent them the information.

5 Q. Were you a member of the class that settled the
6 HireRight case, the Ryals versus HireRight case?

7 A. No. I didn't get any financial compensation, no.
8 I just -- no.

9 Q. How did you know you were somehow connected with
10 or part of the Ryals versus HireRight case?

11 A. Just the company HireRight had the wrong
12 information, background information in which I
13 went through the same situation that the people I
14 believe also engaged in that type of activity to
15 HireRight.

16 Q. Uh-huh.

17 A. And I just responded to the attorneys that gave,
18 sent the letter to my house and let them know,
19 sent my information back to them letting them
20 know what happened to me.

21 Q. Do you still have communications in your
22 possession relating to your involvement in or
23 participation in the Ryals versus HireRight
24 litigation?

25 A. I don't, no.

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1 Q. Were you a member of the class of plaintiffs that
2 settled that case?

3 A. No.

4 MR. DOOLEY: Objection. Go ahead.
5 Sorry.

6 A. No.

7 Q. If you weren't a member of the class of
8 plaintiffs involved in that case why did you
9 receive a letter, if you know?

10 A. I don't know. I couldn't -- I don't know,
11 honestly. It was a good thing.

12 Q. What was a good thing?

13 A. Just receiving a letter, because, I mean, I had
14 the wrong information on my background report.

15 Q. You had the wrong information on your background
16 report and so when you received a letter from
17 attorneys relating to the Ryals litigation what
18 did you do?

19 A. I just sent my information in back to the
20 attorneys.

21 Q. What information did you send in?

22 A. That my background report that I had got previous
23 from Roadmaster.

24 Q. Okay. When did the Ryals case settle?

25 A. I have no idea.

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1 Q. Did you receive any compensation relating to the
2 Ryals class action litigation?

3 A. No.

4 Q. Did the document that you received -- how many
5 documents did you receive relating to the Ryals
6 litigation?

7 A. I can't remember.

8 Q. Did they appear to be official court looking sort
9 of documents if you know what I'm saying? I know
10 the question --

11 A. I believe it was, but I don't remember how many
12 documents.

13 Q. For example, let me -- you've looked at some
14 documents here in this litigation and they have
15 this sort of, if you look at Exhibit 3, you have
16 it in front of you, it has in the United States
17 District Court and then it has a plaintiff versus
18 defendant and this sort of formal presentation
19 suggesting a court document.

20 A. Uh-huh.

21 Q. When you received documents in the Ryals
22 litigation did it have similar, did it appear
23 similarly to that?

24 A. Like I said, it could have. I don't remember.

25 It could have, but I don't remember. I just know

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1 I got information from that HireRight case so it
2 could have been in that form.

3 Q. When did you get that information, if you know?

4 A. Like I said, I can't recollect the exact date.

5 Q. Would it have been before you applied for
6 employment as a truck driver with CRST?

7 A. No. It was after that.

8 Q. It was after that?

9 A. Right.

10 Q. So as a result of your involvement in or
11 connection with the Ryals litigation you located
12 your current counsel in this lawsuit?

13 MR. DOOLEY: Jeremy, can I just
14 put a standing objection on so I don't
15 interrupt your flow, but at the time those
16 communications went out we were appointed
17 class counsel and there are enough
18 positions out there that say that we were
19 appointed class counsel, communications
20 with class members can be privileged. I
21 know you haven't got that far yet, I just
22 want to put that on the record and let you
23 continue.

24 MR. GILMAN: Right. Okay. You
25 were appointed class counsel in Ryals?

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1 MR. DOOLEY: Yes.

2 MR. GILMAN: Okay.

3 Q. The --

4 MR. GILMAN: Matt, let me ask you
5 this, was Mr. White a member of the
6 plaintiff class in the Ryals litigation?

7 MR. DOOLEY: There were 650,000
8 class members, sitting here today I can't
9 tell you specifically where Mr. White fit
10 into that 650,000 number, size class. I
11 think his interpretation of your question
12 of being a class member is him trying to
13 figure out whether that means did I get
14 money or not and I think, as you probably
15 read the class notices in that case, there
16 were a number of classes and subclasses and
17 I think that Mr. White was a member of a
18 subclass known as the 1681i class or the i
19 claims class which involved class members
20 who made disputes with HireRight and
21 allegations that HireRight mishandled those
22 disputes. There were approximately 21,000
23 members of that subclass which was a group
24 of the 650,000 folks, I think he fits into
25 that, but I need my documents to really be

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1 accurate about that.

2 Q. In the course of the, of your involvement in the
3 Ryals versus HireRight class action litigation
4 did you receive communication from anyone about
5 participation in another class action lawsuit or
6 a possible new class action lawsuit?

7 A. No, I just sent my information to my lawyer.

8 Q. How did -- who approached you or did you approach
9 counsel about a possible lawsuit against CRST? I
10 just want to know who broached that subject.

11 A. Who brought it to me?

12 Q. Yes.

13 A. Well, my counsel.

14 Q. Okay. Through a letter?

15 A. Yes.

16 Q. Do you still have that letter?

17 A. I don't know.

18 MR. DOOLEY: Do you understand the
19 question, Bruce?

20 A. Not exactly. I mean, I mean, all I know, we got
21 in contact with one another and then, you know,
22 he found out that some issue was wrong.

23 MR. DOOLEY: Jeremy, can we go off
24 the record for just a second?

25 MR. GILMAN: Sure.

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1 THE VIDEOGRAPHER: Off the record
2 at 10:10 a.m.

3 - - - -

4 (Thereupon, a discussion was had off the
5 record.)

6 - - - -

7 (Thereupon, a recess was had.)

8 - - - -

9 MR. GILMAN: Back on, please.

10 THE VIDEOGRAPHER: On the record
11 at 10:26 a.m.

12 Q. Mr. White, you testified before, as I recall,
13 that, you know, throughout your career you have
14 sought employment with various trucking companies
15 and have had your application denied on multiple
16 occasions, is that correct?

17 A. Yes, sir.

18 Q. And I take it that occurred before you applied
19 for employment at CRST and after you applied for
20 employment at CRST?

21 A. I believe so, yes.

22 Q. And some of those rejections of your application
23 that preceded your application at CRST were
24 based, according to your opinion, on your
25 criminal background report?

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1 A. Yes, sir.

2 Q. You applied for some of those positions in the
3 earlier part of the 2000s?

4 A. The trucking positions?

5 Q. Yes, sir.

6 A. I believe so, yes.

7 Q. So say in the 2000 to 2005 period you would have
8 applied for various truck driver positions with
9 various trucking companies?

10 A. Not -- are you asking did I get hired by trucking
11 companies?

12 Q. No. You applied for positions.

13 A. Yes, I believe so.

14 Q. And those applications were rejected?

15 A. Okay. Now, I had had trucking jobs.

16 Q. I understand that, but my question, sir, is
17 whether during that period of time you also
18 applied for other trucking jobs say during the
19 2000 to 2005 period?

20 A. Okay. I believe so, yes.

21 Q. Were some of those applications rejected?

22 A. I believe so, yes.

23 Q. Were many of them rejected?

24 A. Yes.

25 Q. Do you believe they were rejected because of your

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1 criminal background report?

2 A. It's a possibility.

3 Q. What do you base that answer on, possibility?

4 A. Just because of the HireRight situation where the
5 information they had was incorrect.

6 Q. Did you know the information was incorrect during
7 that time period?

8 A. Of -- well, I knew it -- I didn't know it was
9 incorrect until the counselor at Roadmaster let
10 me know.

11 Q. Okay.

12 A. Not --

13 Q. Go ahead. Finish your answer.

14 A. Okay. And when she pulled up my background and
15 everything and looked at it then I knew it was
16 incorrect.

17 Q. How do you know then that the rejections that
18 occurred say during the 2000 to 2005 time frame
19 were based at least in part on an erroneous
20 criminal background report?

21 A. Well, since she had filed all my job
22 applications, faxed them to the trucking
23 companies with all the information included from
24 my background report --

25 Q. Uh-huh.

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1 A. -- that's my belief that that's why I wasn't
2 hired.

3 Q. Did those other trucking companies provide you
4 with criminal background reports?

5 A. No, sir.

6 Q. Did they inform you that they were going to
7 obtain a criminal background report on you?

8 A. No, sir.

9 Q. CRST did, though, inform you of that, correct?

10 MR. DOOLEY: Objection.

11 A. In, I guess in the last page on Exhibit 6 that
12 they said they was going to pull up my background
13 report, but they didn't tell me that they, that I
14 could get a copy of it free and it also didn't
15 tell me that I could dispute the information in
16 the background report. I never got that
17 information.

18 Q. Well, you knew that from previous applications
19 you submitted to truck driving companies, didn't
20 you?

21 MR. DOOLEY: Objection.

22 A. No. No, sir.

23 Q. You had never been informed of that in
24 applications, prior applications you submitted to
25 trucking companies?

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1 A. No, sir.

2 Q. But you knew that CRST was in fact going to
3 obtain a criminal background report on you?

4 A. Yes, sir.

5 Q. Did you request a copy of the criminal background
6 report from CRST?

7 A. No, sir.

8 Q. You knew that Roadmaster was obtaining a criminal
9 background report on you before you applied for
10 CRST, correct?

11 A. No, sir.

12 Q. Did you obtain a copy of the criminal background
13 report from Roadmaster after they received it?

14 A. Yeah, I got it after she found out the reason why
15 I wasn't getting hired.

16 Q. Did you -- and what about all the positions you
17 applied for between 2000 and 2005, what then is
18 your basis for saying that you were rejected from
19 those positions --

20 A. Because --

21 Q. -- because of your criminal background?

22 A. Because the job placement, coordinator, she
23 provided them with all the information so all
24 those trucking companies that I applied for was
25 through Roadmaster.

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1 MR. DOOLEY: Bruce, do you
2 understand he's talking about between the
3 year 2000 and the year 2005 when he's
4 asking his question?

5 A. That's when I was in school, Roadmaster.

6 Q. When were you at Roadmaster?

7 A. They -- I'm not for sure what day I was there.

8 Q. No, not the day, approximately when were you at
9 Roadmaster, what year?

10 A. It was around 2009.

11 Q. Okay. Did -- you mentioned before that Brandi
12 Northway from CRST initiated communication with
13 you.

14 A. Uh-huh.

15 Q. And do you remember generally what that
16 communication was about?

17 A. Basically I guess it was bus information,
18 confirmation number, hotel information,
19 orientation time.

20 Q. Do you have any other recollection of the
21 communication you had with her?

22 A. Basically that, yeah, just that right there.

23 Q. Do you have any notes of that communication?

24 A. No.

25 Q. Do you have any, do you maintain a diary of any

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1 kind?

2 A. No.

3 Q. A journal of any kind?

4 A. No.

5 Q. Do you have any email communications relating to
6 that?

7 A. No.

8 Q. Do you know the date of that communication?

9 A. No. I don't remember the date.

10 Q. Do you know the time that that communication
11 occurred, the time of the day?

12 A. No.

13 Q. Do you remember how long the communication was?

14 A. No.

15 Q. You don't remember the entirety of the
16 communication that you had with Brandi Northway
17 on that day, do you?

18 MR. DOOLEY: Objection.

19 A. Well, I'm remembering she had to give me the
20 information about the travel plan, the bus
21 confirmation number, also the hotel and then
22 orientation time.

23 Q. Did you attend orientation?

24 A. Yes, I did.

25 Q. And did you talk to any other CRST applicants at

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1 orientation?

2 A. Just briefly to say hi and bye, you know, hi. I
3 don't remember their name, just speaking, you
4 know, casually.

5 Q. You have no records of any of the individuals
6 with whom you spoke at that orientation?

7 A. Well, I spoke to one guy that had a wreck, he hit
8 a bridge going 65 miles an hour, he was in
9 training, a student, and he was telling me that
10 CRST wasn't a good company to work for.

11 Q. Uh-huh.

12 A. And that was after the fact that I was told that
13 I was -- don't no -- no longer needed. Well, he
14 said you don't really need to work for there
15 anyway because it's not a good company. And that
16 was one of their employees.

17 Q. It was one of whose employees?

18 A. CRST.

19 Q. Do you remember who said that?

20 A. He was a dispatch, he worked in dispatch, because
21 he, once he had the accident he went to dispatch.

22 Q. Do you remember the name of that individual?

23 A. No, sir.

24 Q. You're unable to identify that person, is that
25 correct?

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1 A. If I see him again. Now, I can remember faces,
2 but names I kind of have a problem. I can
3 remember the face.

4 Q. But do you have any mechanism that you can think
5 of for identifying that person by name?

6 A. No, sir.

7 Q. After the orientation or at the orientation do
8 you remember any communications you had with
9 anyone from CRST?

10 A. Yes, it was one of their I guess recruiters. And
11 she told me that the head guy seen the
12 information and he didn't want to mess with it,
13 so --

14 Q. Is that the sum, is that the totality of the
15 communication you had with that individual?

16 A. Yes, sir.

17 Q. Do you remember anything else about that
18 communication?

19 A. No, just that I wasn't hired, you know.

20 Q. Okay. Do you remember who that person was?

21 A. A female, that's all I know. I don't remember
22 her name.

23 Q. Do you remember the date upon which that
24 communication took place?

25 A. Honestly, I can't remember the date.

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1 Q. What did you say after that, did you --

2 A. I said okay, you know. Well, what I told them, I
3 was like, well, you have my information, why come
4 you didn't let me know before I got on the bus
5 and come all the way down here and everything,
6 you know. And she said, well, I'm sorry, Bruce,
7 he seen it and he just, you know, didn't want to
8 mess with it.

9 Q. When you refer to "he," "he seen it," who is he,
10 do you know?

11 A. Well, she told me it was the head person over at
12 CRST, the head, I guess the owner, he had the
13 final say so.

14 Q. Did she -- do you know who that person was who
15 said that to you?

16 A. I don't remember his name. I know it was a guy.
17 I don't remember his name.

18 Q. A guy said that to you or I thought you --

19 A. No, no, no. The female told me, but she said
20 that he, the guy, the main guy over the CRST, the
21 owner, he didn't want to mess with it anymore.
22 He didn't --

23 Q. Did she -- you don't know who that person was who
24 said that to you, correct?

25 A. I don't know the lady, job, the recruiter's name,

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1 I don't know her name.

2 Q. And you don't know the name of the person to whom
3 she was referring, is that correct?

4 A. Right. Well, she probably said it, but I can't
5 remember his name.

6 Q. Okay. Let me go back to your application for a
7 moment. Look at the, look at page 03 of your
8 application. You were asked to identify your
9 employment record for the past ten years, is that
10 right?

11 A. Uh-huh.

12 Q. Did you fill this out completely?

13 A. No.

14 Q. Did you provide your complete employment
15 application, employment history for the preceding
16 ten years in this application?

17 A. No.

18 Q. Why didn't you complete that in a, why
19 didn't you --

20 A. Its entirety?

21 Q. Why didn't you fill out that information
22 completely?

23 A. I just did the most recent jobs that I had at
24 that time.

25 Q. Okay.

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1 A. Yeah.

2 Q. Did you identify -- so you didn't answer this
3 question accurately, is that right?

4 MR. DOOLEY: Objection.

5 A. Huh? No. I just gave them the most recent jobs
6 that I had, contacts and everything. Uh-huh.

7 Q. The question asked, the application asked you to
8 fill out your employment record for the past ten
9 years, right?

10 A. Uh-huh.

11 Q. You saw that when you completed this application,
12 correct?

13 A. Right.

14 Q. You didn't fill out your employment record for
15 the past ten years including periods of
16 unemployment, is that right?

17 A. Okay. Yeah.

18 Q. That's correct?

19 A. That's correct.

20 Q. Why did you not fill out this application
21 completely?

22 A. Because I, it was like I didn't want to give them
23 every job I worked for for the last ten years and
24 it seemed like they didn't really mind anyway,
25 you know. I just gave them most current and --

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1 Q. Why didn't you want to give them every job you
2 had had for the past ten years?

3 A. Honestly, I couldn't remember like addresses and
4 phone numbers and things like that, that's the
5 reason why I didn't put everything. These two
6 jobs I probably had the addresses and remembered
7 certain, you know, things about them that I could
8 write down at that particular time.

9 Q. Did you indicate anywhere on this application
10 that you were not providing a complete answer to
11 the question because you couldn't remember the
12 other information?

13 A. No.

14 Q. So you suggested in your application that these
15 two jobs constituted your entire employment
16 record for the past ten years when in fact that
17 was inaccurate, is that right?

18 MR. DOOLEY: Objection.

19 A. Okay. Well, I wasn't, I wasn't intending to tell
20 them, you know, say that these are the only jobs
21 I had for the last ten years. Now, if they
22 wanted me to provide more jobs then I would have
23 to take the application home and get, you know,
24 other information.

25 Q. But they asked specifically to provide the

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1 employment record for the past ten years?

2 A. Right. Well --

3 Q. Correct?

4 A. Yes, they did. Uh-huh.

5 Q. And you did not do that, correct?

6 A. Yes. I didn't give them all the jobs I had for
7 ten years, no.

8 Q. So this application misrepresented your
9 employment history for the preceding ten years,
10 correct?

11 MR. DOOLEY: Objection.

12 A. Huh?

13 Q. Is that correct?

14 A. No, it didn't.

15 Q. This did not misrepresent your employment history
16 for the preceding ten years?

17 A. No. I, I worked jobs, but I didn't include it in
18 the application. Now, if they would have had a
19 problem where they would have told me, well, this
20 is not complete, Bruce, we want you to fill this
21 all out, I'd be like okay. But normally, you
22 know, some you can just put the current jobs and
23 then they'll call the job and then okay. But if
24 they have, if they say, well, you need to at
25 least provide more work history and I'll be like

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1 okay, I'll do that, you know. But if they don't
2 ask for it -- I know they asked for the last ten
3 years, but I didn't put it down so, and they
4 didn't make a big deal out of it.

5 Q. Uh-huh. So you knew when submitting this
6 application that you had worked other positions
7 for the preceding ten years but were not
8 including that in your application, correct?

9 A. Just because I didn't remember numbers and dates
10 and the addresses and stuff, right, I didn't have
11 all that information on hand.

12 Q. But my specific question is you knew when you
13 submitted this application that the information
14 provided in your answer to this particular
15 question seeking your employment record for the
16 past ten years, you knew that this answer was
17 inaccurate because it was incomplete, correct?

18 MR. DOOLEY: Objection.

19 Q. Is that correct?

20 A. I didn't know it was inaccurate. I just put what
21 I recollect, my jobs I had recently.

22 Q. Let me, I want to make sure that you answer the
23 question directly, with all due respect, sir.

24 A. Okay. I understand. Yes, sir.

25 Q. The question asked a specific question.

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1 A. Uh-huh. Ten years.

2 Q. Ten years, right?

3 A. Yeah. I didn't provide ten years of work history
4 just because I didn't remember addresses and
5 numbers, I just gave them what I did remember and
6 it was sufficient to get the application process.

7 Q. Did you know when you submitted this you worked
8 for other employers during that ten-year period?

9 A. Yes, I did.

10 Q. Did you ever supplement this application to
11 provide the information that you did not include
12 when you submitted it?

13 A. I don't understand the question.

14 Q. Do you know what it means to supplement?

15 A. Nutrients you mean?

16 Q. Yeah. Did you ever, when you got home did you
17 ever, did you notify CRST that there were more
18 employers that I worked for in the past ten
19 years, but I don't remember right now who they
20 are so I'm going to go back and get that
21 information and fill it in so that my application
22 is complete, did you do that?

23 A. No, I did not.

24 Q. Did you attempt to add to your response so that
25 it would in fact be a complete response to the

1 question?

2 A. No, I did not.

3 Q. Okay. So you allowed this information to
4 constitute your full response to this part of
5 your employment application, correct?

6 A. Yes, sir.

7 Q. And as presented it was inaccurate because it
8 didn't constitute the entire ten-year employment
9 history, is that right?

10 A. Well, I believe so.

11 Q. Okay.

12 - - - -

13 (Thereupon, Defendant's Exhibit 15,
14 Misdemeanor Information, was marked for
15 purposes of identification.)

16 - - - -

17 Q. Now, let me, I'm going to hand you what's been
18 marked for identification as Exhibit 15 and ask
19 if you'd be kind enough to look at that.

20 MR. DOOLEY: We're going out of
21 order, right?

22 MR. GILMAN: Yeah.

23 Q. Have you had a chance to look at Exhibit 15?

24 A. Yes.

25 Q. Do you recognize this document?

1 A. Yes.

2 Q. Are you the Bruce Dewayne White that is
3 identified as a defendant in this document?

4 A. Yes.

5 Q. And do you recall this proceeding, the State of
6 Oklahoma versus Bruce Dewayne White?

7 A. Yes.

8 Q. Okay. You were charged in this Misdemeanor
9 Information with three counts, is that correct?

10 A. Yes.

11 MR. DOOLEY: Jeremy, just so I
12 don't interrupt you, I'm just going to put
13 a standing objection on the record as to
14 any questions about this particular
15 document, Exhibit 15, and how it may relate
16 to his application and just leave it at
17 that.

18 Q. The, this document is indeed a true and correct
19 copy of the Misdemeanor Information that was
20 filed against you by the State of Oklahoma in
21 January 1999, correct?

22 A. Okay. Yes.

23 Q. Is that true?

24 A. Uh-huh.

25 Q. Okay. You remember this criminal case against

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1 you by the State of Oklahoma, right?

2 A. Okay. Yes.

3 Q. Do you?

4 A. Yes.

5 Q. Have you always been aware of this criminal case?

6 A. Yes.

7 Q. Okay.

8 - - - -

9 (Thereupon, Defendant's Exhibit 16, Judgment
10 and Sentence on Plea of Nolo Contendere, was
11 marked for purposes of identification.)

12 - - - -

13 Q. And let me hand you what's been marked for
14 identification as Exhibit 16. I'm going to hand
15 you what has been marked for identification as
16 Exhibit 16 and ask you to look that over and
17 identify it.

18 MR. DOOLEY: And, Jeremy, if
19 you'll permit I'll just enter a standing
20 objection on like grounds as to the
21 questions regarding Exhibit 16 and its
22 relevance to the case.

23 Q. Let me know when you've had a chance to review
24 that document.

25 A. Okay.

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1 Q. Okay. You've had a chance to look at and review
2 Exhibit 16?

3 A. Yes.

4 Q. And are you the same Bruce Dewayne White as the
5 defendant identified in this exhibit?

6 A. Yes, I am.

7 Q. And this relates to the same criminal case that
8 we referred to before with respect to Exhibit 15?

9 A. Yes, sir.

10 Q. You entered a plea of nolo contendere to a charge
11 of hit and run collision which was asserted
12 against you in Count 1 of the Misdemeanor
13 Information that was previously identified as
14 Exhibit 15, correct?

15 A. Yes, sir.

16 Q. And you were found guilty of that count, correct?

17 A. Yes, sir.

18 Q. And this is indeed a true and correct copy of the
19 judgment and sentence of plea -- I'm sorry,
20 judgment and sentence on plea of nolo contendere
21 misdemeanor that was entered against you by the
22 State of Oklahoma in July of 1999, correct?

23 A. Yes, sir.

24 - - - -

25 (Thereupon, Defendant's Exhibit 17, Judgment

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1 and Sentence on Plea of Nolo Contendere, was
2 marked for purposes of identification.)

3 - - - -

4 Q. I'm going to hand you what's been marked for
5 identification as Exhibit 17.

6 A. Okay.

7 MR. DOOLEY: Jeremy, I'll enter my
8 standing objection and to what I assume
9 will be also 18.

10 Q. Have you completed your review of Exhibit 17?

11 A. Yes, sir.

12 Q. Okay. Are you the same Bruce Dewayne White as
13 the defendant who is identified in Exhibit 17?

14 A. Yes, I am.

15 Q. And this document again relates to the case of
16 State of Oklahoma versus Bruce Dewayne White,
17 defendant, correct?

18 A. Yes, it does.

19 Q. And this is a judgment and sentence on plea of
20 nolo contendere misdemeanor in which the court
21 found you guilty of driving under suspension
22 which was Count 2 of the Misdemeanor Information
23 filed against you by the State of Oklahoma that
24 we previously identified as Exhibit 15, correct?

25 A. Yes, sir.

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1 Q. You entered a plea of nolo contendere on that
2 driving under suspension charge and the court
3 found you guilty on that charge?

4 A. Yes, sir.

5 Q. Now, Count 2, if you want to look at Exhibit 15,
6 do you have Exhibit 15?

7 A. Uh-huh.

8 Q. Count 2 alleged that Bruce Dewayne White, on or
9 about November 9, 1998, in Tulsa County, State of
10 Oklahoma and within the jurisdiction of this
11 Court did commit the crime of driving under
12 suspension, a misdemeanor, by unlawfully,
13 willfully, knowingly and wrongfully drive and
14 operate a motor vehicle, to-wit: a 1988 Nissan
15 bearing the tag, number sign, #OK IJV-407, on a
16 public highway in the State, to-wit 1130 North
17 Lewis, in Tulsa, Oklahoma, Tulsa County,
18 Oklahoma, without first obtaining a Driver's
19 License therefor driving while under suspension,
20 correct?

21 A. Yes, sir.

22 Q. And that charge asserted against you was in fact
23 true, is that correct?

24 A. Yes, sir.

25 Q. And you did not contest that charge and were

1 found guilty as charged, right?

2 A. Yes, sir.

3 Q. Were you aware of the fact that this conviction
4 had been entered against you? You knew it was
5 entered against you, right?

6 A. Yes, sir.

7 Q. You appeared in court on this, correct?

8 A. Yes, sir.

9 Q. And at the time this was entered against you you
10 were an adult, correct?

11 A. Yes, sir.

12 - - - -

13 (Thereupon, Defendant's Exhibit 18, Tulsa
14 County Work Program (An Alternative to
15 Incarceration) Application and Information,
16 was marked for purposes of identification.)

17 - - - -

18 Q. And let me hand you what's been marked for
19 identification as Exhibit 18. Handing you what's
20 been marked for identification as Exhibit 18, can
21 you identify that document, please?

22 A. Okay.

23 Q. Okay. Can you identify that document, please?

24 A. Yes.

25 Q. What is that document?

1 A. District Court of Tulsa County, State of
2 Oklahoma, State of Oklahoma, versus Bruce Dewayne
3 White, leaving the scene of an accident offense.

4 Q. All right. Let me ask you this, if I may, just
5 to --

6 A. Uh-huh.

7 Q. -- move the process along and help you identify
8 this. Are you the Bruce Dewayne White identified
9 in this document?

10 A. Yes.

11 Q. I'm sorry, please?

12 A. Yes.

13 Q. Thank you. And this relates to the criminal
14 sentence that was imposed against you as a result
15 of the guilty conviction entered against you on
16 those three charges, right?

17 A. Yes.

18 Q. And this correctly identifies your address as
19 1627 East 2nd Street, Tulsa, Oklahoma 71006 at
20 that time?

21 A. Yes, sir.

22 Q. Now, let's go back to Exhibit 6 for a moment,
23 please. Do you have Exhibit 6?

24 A. Uh-huh. Yes, sir.

25 Q. Let's go to the third page of that which is

1 identified by the fax page number 04, do you see
2 that?

3 A. Okay.

4 Q. And let's go to the various boxes that you
5 checked. Do you see number C or letter C?

6 A. Yes.

7 Q. It's the middle of the page. This part of your
8 application asked whether you have ever had a
9 license, permit or privilege suspended or
10 revoked, is that correct?

11 A. Yes, it does.

12 Q. What did you answer?

13 A. No.

14 Q. That was not true, is that correct?

15 A. I heard in the last ten years.

16 Q. What does the question say specifically? Look at
17 C.

18 A. It says have you ever had a license, permit,
19 privilege suspended or revoked.

20 Q. The word for the last ten years appears nowhere
21 in this application with respect to that
22 question, is that right?

23 A. Yes.

24 Q. And in fact the word ever is even underlined for
25 emphasis, isn't that true?

1 A. Okay. Right.

2 Q. And your license in fact had been suspended, is
3 that correct?

4 A. Yes.

5 Q. But you wrote that it had never been suspended,
6 is that correct?

7 MR. DOOLEY: Objection.

8 A. Yes.

9 Q. That answer was inaccurate, is that right?

10 A. Yes.

11 Q. Now, you were aware when you completed this
12 application that your license had in fact been
13 suspended in the past, correct?

14 A. Yes.

15 Q. But yet knowing that you still represented in
16 this employment application that your license had
17 never been suspended, is that correct?

18 A. Yes.

19 Q. Would you agree with me that you misrepresented
20 that fact on your application to CRST?

21 A. Well, honestly, I might have not recollected,
22 remembered it got suspended because it was like a
23 long time ago and I was assuming that they only
24 go ten years back, but it didn't say it in the
25 application, but that's what I was under the

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1 assumption, that they only go ten years back from
2 that, your record.

3 Q. And what was that assumption based on when the
4 application --

5 A. I might have --

6 Q. I'm sorry?

7 A. I might have spoke to the counselor or the, my
8 job coordinator, I mean, placement coordinator
9 and asked 'em, and, you know, she possibly told
10 me, well, it's probably just ten years back.

11 Q. You're testifying under oath now.

12 A. Okay.

13 Q. That conversation did not take place with the
14 coordinator, you're thinking that perhaps it did,
15 but you don't recall that conversation, is that
16 correct?

17 MR. DOOLEY: Objection.

18 A. Okay. Like I said, I don't recall. You know,
19 you brought this to my attention and that's been
20 so long ago I forgot about that.

21 Q. If you thought that the application sought only
22 information that was for the past ten years then
23 why then at the bottom of this application on
24 page 04 did you refer to a 1992 event? 1992 was
25 more than ten years ago.

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1 A. Uh-huh.

2 Q. Is that correct?

3 A. Yeah. But that's not my handwriting.

4 Q. But that's based on information you provided to
5 the counselor you claimed.

6 A. She had information already pulled up on my
7 background, she knew that. And I didn't know
8 that that was the reason why that I wasn't
9 getting a job at that particular time. When she
10 pulled up my background report she said on your
11 background report you have something on there
12 that's saying reck, I mean, discharge of firearm
13 felony and then she brought it to my attention.

14 I remember the incident, yes. Okay. So
15 that's the reason why I thought that I wasn't
16 getting no job, because it was a felony instead
17 of a misdemeanor, which they had the wrong
18 information.

19 Q. Uh-huh.

20 A. Yes.

21 Q. Well, you saw this application before it was
22 submitted, correct?

23 A. Uh-huh.

24 Q. You certified that the application, the
25 information contained in the application was true

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1 and complete to the best of your knowledge,
2 right?

3 A. To the best of my knowledge, yes, sir.

4 Q. You knew that you had been convicted of a
5 misdemeanor of driving while under suspension,
6 right?

7 A. Yes, sir. Uh-huh.

8 Q. You never presented that information to CRST in
9 your job application, is that correct?

10 A. Yes, sir.

11 Q. You were trying to get a job as a truck driver,
12 correct?

13 A. Yes, sir.

14 Q. You were trying to get a job that required you to
15 drive?

16 A. Yes, sir.

17 Q. This question asked you if you had ever had your
18 license suspended, that's a pretty relevant
19 question for someone who's seeking a truck driver
20 job, wouldn't you agree with me on that?

21 MR. DOOLEY: Objection.

22 Q. Would you agree with me on that?

23 A. I believe so.

24 Q. But you never provided that information, correct?

25 A. No. I didn't provide the information, yeah. I

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1 must have not remembered. I mean, you know, I
2 didn't remember.

3 Q. Well, let me, let's go back to this court
4 proceeding.

5 A. Uh-huh.

6 Q. This court proceeding lasted several months, is
7 that right?

8 A. The court proceedings?

9 Q. Yeah.

10 A. I think I was in jail and then I got out and
11 signed the paper admitting guilt and paid a fine
12 and that was it.

13 Q. Well, let me ask you a question about that. On
14 this hit and run collision, driving under
15 suspension, and taxes due state charges, there
16 were three charges assessed against you, right,
17 Mr. White?

18 A. Okay.

19 Q. Is that correct?

20 A. Yeah.

21 Q. You were arrested?

22 A. Yeah. I went to jail.

23 Q. Okay. Who arrested you, the Tulsa sheriff's
24 department?

25 A. Tulsa police.

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1 Q. They arrested you as a result of the hit and run
2 and -- well, why don't you tell me, do you
3 remember?

4 A. Yeah. Well, it happened, hit and run, I left the
5 scene of an accident and they came and arrested
6 me.

7 Q. Okay.

8 A. Uh-huh.

9 Q. And they sent you to the county jail?

10 A. Yes, sir.

11 Q. How long were you in the county jail for?

12 A. I don't remember.

13 Q. Were you in the county jail for a matter of hours
14 or a matter of days or a matter of weeks?

15 A. It could have been days.

16 Q. May I ask, with all due respect, if that's the
17 only time you've been incarcerated?

18 MR. DOOLEY: Objection.

19 A. No, I've been in jail for other issues, but, I
20 mean, at that time I was in jail, yeah, traffic,
21 stuff like that.

22 Q. I take it that that was an event that you
23 remembered afterwards, right?

24 A. I'm sorry?

25 Q. Was that an event that you remembered afterwards?

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1 A. Every time I go --

2 MR. DOOLEY: After what?

3 A. After what?

4 MR. DOOLEY: I'm sorry.

5 A. Yeah.

6 Q. After you were incarcerated?

7 A. Yeah. I remember when I go to jail, yeah,
8 because it's, the experience. Have you ever went
9 to jail?

10 Q. And you knew why you were in jail, right?

11 A. Yeah.

12 Q. Okay.

13 MR. GILMAN: I'm going to go off
14 the record now for a little while.

15 MR. DOOLEY: Good.

16 MR. GILMAN: And then after we're
17 going to wrap up your deposition.

18 THE VIDEOGRAPHER: Off the record
19 at 11:02 a.m.

20 - - - -

21 (Thereupon, a recess was had.)

22 - - - -

23 MR. GILMAN: Back on.

24 THE VIDEOGRAPHER: On the record
25 at 11:20 a.m.

1 Q. You testified before that you attended and, or
2 you appeared for a CRST orientation session.

3 A. Yes, sir.

4 Q. Okay. Do you remember where that was?

5 A. Oklahoma City.

6 Q. Do you remember the approximate date of that?

7 A. Matter of fact -- no, it don't even say it on the
8 pre-hire letter. I don't know exactly what date
9 it was.

10 Q. Okay.

11 A. I can't remember.

12 Q. And do you recall who you spoke to from CRST at
13 that, when you appeared at that orientation
14 session?

15 A. Like I say, I didn't remember the job coordinator
16 name, dispatch whatever her name was when I got
17 there, I don't remember her name, the one that
18 told me they no longer need me. I don't remember
19 her name.

20 Q. Okay. And so you don't remember the person from
21 CRST with whom you spoke at the orientation
22 session?

23 A. No, sir.

24 Q. Okay. And did they tell you -- do you remember
25 specifically what they told you beyond what you

1 said before?

2 A. Yes, they told me that he seen my background
3 report and he didn't want to mess with it.

4 Q. Did you receive any document from anyone at CRST
5 at that time?

6 A. No, I didn't.

7 Q. Is it that you don't recall receiving a document
8 or you --

9 A. No, I know I didn't receive. Just a bus ticket
10 back home.

11 Q. And you knew at that time that it was because of
12 your criminal background report?

13 A. That's what she told me.

14 Q. So when you left you knew it was because of that?

15 A. Yes.

16 Q. What steps did you take thereafter to address the
17 criminal background report?

18 A. I talked to Roadmaster and they sent the lady
19 from Florida down here to further help, I believe
20 further to help me get a job and I ended up
21 getting a trucking job with Wiltran, okay, after
22 the fact, but, I mean, it took like maybe three
23 to four months, maybe six months to get my
24 employment with Wiltran.

25 Q. Okay. Do you remember anything else about the

1 orientation session?

2 A. Just getting up early in the morning, sitting in
3 the driver lounge, waiting for the instructor
4 people to get there, went in the room, classroom,
5 sat down at the desk, they had paperwork in front
6 of us, we started filling out the paperwork and
7 maybe 30 minutes or 40 minutes into the session
8 the lady called me to the back saying that, that
9 they don't, you know, they couldn't use me
10 because of my background.

11 MR. GILMAN: Let's go off the
12 record for a moment.

13 THE VIDEOGRAPHER: Off the record
14 at 11:23.

15 - - - -

16 (Off the record.)

17 - - - -

18 MR. GILMAN: Back on.

19 THE VIDEOGRAPHER: On the record
20 at 11:24.

21 MR. GILMAN: Mr. White, we have no
22 further questions at this time. We're
23 going to adjourn the deposition. If there
24 is any need to examine you further we will
25 coordinate that with your counsel.

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1 THE WITNESS: Yes, sir.

2 MR. GILMAN: Okay. Do you want to
3 instruct him as to reading?

4 MR. DOOLEY: We'll read.

5 THE VIDEOGRAPHER: You also have a
6 right to review the video or you could
7 waive that right, will you waive the
8 viewing of the videotape?

9 MR. DOOLEY: We'll waive the
10 viewing of the videotape.

11 THE VIDEOGRAPHER: This concludes
12 the deposition. The time is 11:25 a.m.

13

14

BRUCE D. WHITE

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C E R T I F I C A T E

The State of Ohio,) SS:
County of Cuyahoga.)

I, Dawn M. Fade, a Notary Public within and for the State of Ohio, authorized to administer oaths and to take and certify depositions, do hereby certify that the above-named witness was by me, before the giving of their deposition, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the deposition as above-set forth was reduced to writing by me by means of stenotypy, and was later transcribed into typewriting under my direction; that this is a true record of the testimony given by the witness; that the deponent or a party requested that the deposition be reviewed by the deponent; that said deposition was taken at the aforementioned time, date and place, pursuant to notice or stipulations of counsel; that I am not a relative or employee or attorney of any of the parties, or a relative or employee of such attorney or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this ____ day of _____, A.D. 20____.

Dawn M. Fade, Notary Public, State of Ohio
1750 Midland Building, Cleveland, Ohio 44115
My commission expires October 27, 2012

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CRST, Inc.

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